

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JASHUA BAPTISTA,
Defendant.

Case No. 10-cr-00050-PJH-1

**ORDER DENYING MOTION FOR
EARLY TERMINATION OF
SUPERVISED RELEASE**

Re: Dkt. No. 147

Before the court is defense counsel's motion for early termination of defendant's term of supervised release. See Dkt. 147. Defendant's motion is brought pursuant to 18 U.S.C. § 3583, which provides that a court may terminate a term of supervised release after one year if, after considering factors set forth in 18 U.S.C. § 3553, the court is "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e); see also United States v. Ponce, 2022 WL 98133 (9th Cir. Jan. 11, 2022). Defendant's motion argues that he has been on supervised release for over four years and "has done well on supervised release with some minor exceptions to note." Dkt. 147 at 3.

The government opposes defendant's motion. See Dkt. 149. The government argues that, since defendant's supervision was transferred back to this district in May 2021, the probation office has filed multiple Form 12 violations. See id. at 1.

The probation office also filed a response to defendant's motion. See Dkt. 148. The probation response provides additional details regarding defendant's violations, including that he traveled out of the district without permission, failed to report a vehicle,

1 and used marijuana. Id. at 3. While the probation office acknowledges that defendant
2 has “shown remorse” and “made considerable strides while on supervision,” it ultimately
3 concludes that it is “not in agreement with the early termination of Mr. Baptista’s
4 supervised release.” Id.

5 The court concludes that defendant’s conduct, while commendable in some ways,
6 still reflected an inability to comply with all of the requirements of supervision. Moreover,
7 there are no changed circumstances that would suggest that the original sentence was
8 too harsh. Accordingly, defendant’s motion for early termination of supervised release is
9 DENIED.

10 **IT IS SO ORDERED.**

11 Dated: January 12, 2022

12 /s/ Phyllis J. Hamilton

13 PHYLLIS J. HAMILTON
14 United States District Judge
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